

www.sfgate.com[Return to regular view](#)

Bill Would Open WWII Treaty for POW Suits Slave-labor victims seek compensation

[Charles Burrell, Chronicle Staff Writer](#)

Thursday, March 22, 2001

[©2001 San Francisco Chronicle](#)

URL: <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2001/03/22/MN147432.DTL>

Rough diplomatic seas for the United States and Japan rose yesterday when two California congressmen said they will introduce legislation today to reopen the 50-year-old Treaty of Peace With Japan to demand that Japanese companies pay slave-labor compensation to former POWs.

The bill by Rep. Mike Honda (D-San Jose) and Rep. Dana Rohrabacher (R- Huntington Beach) would pit Congress against the U.S. State Department and the government of Japan, both of which maintain that reparation claims for World War II were settled by the treaty.

The bill has strong bipartisan support: Its 29 co-signers include House whips for both parties.

Survivors of the Bataan Death March and other POWs forced to provide labor for Japanese companies have filed more than 30 lawsuits in the past two years under a 1999 California law extending the deadline for such claims to 2010.

But the great bulk of the suits -- those filed by U.S. and Allied POWs -- were rejected last year by a federal judge, who said they were barred by the peace treaty as it now stands.

Former POWs and some members of Congress have harshly criticized the State Department's position. The State Department said Japan paid reparations at the time, and that the intent of the American negotiators and of Congress then was to free devastated post-war Japan from future burdens that would hamper its growth into a strong U.S. ally against Communism in Asia.

The bill is aimed at "giving our vets who were POWs in World War II their day in court," Honda said.

The move grows partly out of recent agreements in Europe, including a \$5 billion fund established by the German government and corporations to pay forced-labor reparations to those imprisoned by the Nazis. Some lawyers for POWs held captive by Japan say billions of dollars in potential settlements are at stake.

Former POWs are "highly elated" at the Honda-Rohrabacher bill, said Edward Jackfert, former commander of the American Defenders of Bataan and Corregidor. "Every one of the POWs have had serious health problems ever since they came out of the POW camps."

Lawyers for the POWs say about 25,000 Americans and millions of prisoners from other countries were sent to do slave labor for Japanese companies. Those still alive are mostly in their 80s.

Many of the POWs suffered beatings, and thousands died from disease, starvation and cruel treatment. Their demands for compensation beyond the small amounts paid after the war have become part of a growing clamor for Japanese war accountability in recent years.

The bill "will add more fuel to the fire," said Michael Bayzler, a professor at Whittier Law School in Costa Mesa and organizer of a 1999 conference on Japanese war responsibility.

Officials in the Japanese embassy in Washington and the State Department said they had not seen the bill and could not comment.

The bill would invoke a never-used clause of the treaty and thus remove a key legal barrier used in last year's federal court rejection of the slave- labor lawsuits.

The clause, in Article 26, says that if Japan were ever to give another country greater advantages for war claims than those granted in the treaty, then it has to give such terms to all 48 countries that signed the 1951 pact with Japan ending the war.

The former POWs argue that Japan has indeed given more favorable terms to several countries in several subsequent treaties and that therefore they can invoke Article 26.

But U.S. District Court Judge Vaughn Walker in San Francisco sided with the State Department last year and ruled that Article 26 can be invoked only by a signatory to the treaty, namely a government, not individuals.

The Honda-Rohrabacher bill aims at satisfying that requirement.

In the court case, the State Department said invoking Article 26 "would be an act of extreme bad faith."

E-mail Charles Burress at cburress@sfgate.com.

[©2001 San Francisco Chronicle](#) Page A - 3